

Michael K. Johnson
JOHNSON BECKER, PLLC
33 South 6th Street, Suite 4530
Minneapolis, MN 55402
Telephone: (612) 436-1800
Facsimile: (612) 436-1801
mjohnson@johnsonbecker.com

Ryan L. Thompson
WATTS GUERRA LLP
5250 Prue Road, Suite 525
San Antonio, Texas 78240
Telephone: (210) 448-0500
Facsimile: (210) 448-0501
rthompson@wattsguerra.com

Louis M. Bograd
**CENTER FOR CONSTITUTIONAL
LITIGATION, P.C.**
777 6th Street, NW, Suite 520
Washington, DC 20001-3723
Telephone: (202) 944-2803
Facsimile: (202) 965-0920
lou.bograd@cclfirm.com

Hunter J. Shkolnik
**NAPOLI, BERN, RIPKA &
SHKOLNIK LLP**
350 Fifth Avenue
New York, New York 10018
Telephone: (212) 267-3700
Facsimile: (212) 587-0031
hunter@napolibern.com

Tor A. Hoerman
TORHOERMAN LAW LLC
101 W. Vandalia Street, Suite 350
Edwardsville, Illinois 62025
Telephone: (618) 656-4400
Facsimile: (618) 656-4401
thoerman@torhoermanlaw.com

Max Kennerly
THE BEASLEY FIRM
1125 Walnut Street
Philadelphia, PA 19107
Telephone: (215) 931-2634
Facsimile: (215) 592-8360
max.kennerly@beasleyfirm.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: INCRETIN-BASED
THERAPIES PRODUCTS
LIABILITY LITIGATION**

Relates to: ALL CASES

Master File No.: 3:13-md-02452-AJB-MDD

MDL – 2452

**PLAINTIFFS' MOTION TO FILE
CERTAIN DOCUMENTS IN SUPPORT
OF THEIR MEMORANDUM IN
OPPOSITION TO NOVO'S CLAIM OF
ABSOLUTE PROTECTION FOR
LEADER CLINICAL TRIAL DATA AND
NOVO'S REQUEST FOR CLAWBACK
UNDER SEAL BY PARTY THAT
PARTIALLY OPPOSES SEALING**

Pursuant to CivLR 79.2(b), ECF Administrative Policies and Procedures 2(j), and the Honorable Anthony J. Battaglia's Civil Case Procedures Section IV, Plaintiffs respectfully request an Order to file their Memorandum in Opposition to Novo's Claim of Absolute Protection for LEADER Clinical Trial Data and Novo's Request for Clawback and certain supporting exhibits under seal. Pursuant to section 11(a) of the Amended Protective Order (Dkt. No. 564), Plaintiffs file this Motion to briefly state their position regarding confidentiality.

Apart from the LEADER clinical trial data and references thereto, which Plaintiffs agree should remain sealed until conclusion of the LEADER clinical trial on November 30, 2015, Plaintiffs do not agree that any part of their memorandum and exhibits should be filed under seal. As to matters other than the LEADER data, Plaintiffs believe Defendants cannot meet the "good cause" standard for a motion to seal as required under the Protective Order. However, in light of the Court's prior rulings on confidentiality matters, Plaintiffs seek leave to file the following documents under seal: Plaintiffs' Memorandum in Opposition to Novo's Claim of Absolute Protection for LEADER Clinical Trial Data and Novo's Request for Clawback; the rebuttal expert report of Dr. David Madigan; correspondence dated July 24, 2015 from Novo's counsel to Plaintiffs' counsel; and excerpts from the deposition of Dr. John Buse.

For the reasons set forth above, Plaintiffs request an Order allowing the filing of the above documents under seal.

DATED: August 17, 2015

PLAINTIFFS' COUNSEL

s/ Michael K. Johnson

Michael K. Johnson

Kenneth W. Pearson

JOHNSON BECKER, PLLC

33 South Sixth Street, Suite 4530

Minneapolis, Minnesota 55402

Telephone: (612) 436-1800

Facsimile: (612) 436-1801

mjohnson@johnsonbecker.com

Ryan L. Thompson
WATTS GUERRA LLP
5250 Prue Road, Suite 525
San Antonio, Texas 78240
Telephone: (210) 448-0500
Facsimile: (210) 448-0501
rthompson@wattsguerra.com

Hunter J. Shkolnik
**NAPOLI, BERN, RIPKA
& SHKOLNIK LLP**
350 Fifth Avenue
New York, New York 10018
Telephone: (212)267-3700
Facsimile: (212)587-0031
hunter@napolibern.com

Tor A. Hoerman
TORHOERMAN LAW LLC
101 W. Vandalia Street, Suite 350
Edwardsville, Illinois 62025
Phone: (618) 656-4400
Facsimile: (618) 656-4401
thoerman@torhoermanlaw.com

Max Kennerly
THE BEASLEY LAW FIRM
1125 Walnut Street
Philadelphia, PA 19107
Telephone: (215) 931-2634
max.kennerly@beasleyfirm.com

Louis M. Bograd
**CENTER FOR CONSTITUTIONAL
LITIGATION, P.C.**
777 6th Street, NW, Suite 520
Washington, DC 20001-3723
Telephone: (202) 944-2803
Facsimile: (202) 965-0920
lou.bograd@cclfirm.com

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

s/Michael K. Johnson
Michael K. Johnson
Attorney for Plaintiffs